

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**LOWELL ELDON FANNING and
OTTO R ROWELL,**

Defendants.

8:13CR317

ORDER

This matter is before the court is defendant Otto R. Rowell and Eldon Fanning's unopposed motions to continue trial [34] and [36] as counsel need additional time to prepare for trial. The court finds good cause being shown and the trial for both defendants shall be continued. The defendant has complied with NECrimR 12.1(a).

IT IS ORDERED that the motions to continue trial is granted, as follows:

1. The jury trial now set for December 3, 2013 is continued to **January 14, 2014**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 14, 2014**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED November 22, 2013.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge